

HOUSE BILL 3061  
By Maggart

AN ACT to amend Tennessee Code Annotated, Section 39-15-404; Section 57-3-412; Title 57, Chapter 4, Part 2 and Title 57, Chapter 5, Part 3, relative to furnishing alcohol to minors or enticing minors to procure alcohol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-404, is amended by deleting the section in its entirety and substituting instead the following:

(a) Except as provided in §39-15-413:

(1) It is an offense for a person to persuade, entice, or send a minor to any place where alcohol is sold, to buy or otherwise procure alcohol in any quantity, for the use of such minor or for the use of the person persuading, enticing, or sending the minor, or for the use of any other person; and

(2) It is an offense for a person to sell, furnish, give, provide or buy alcohol for or on behalf of any minor or to cause alcohol to be sold, furnished, given, provided or bought for or on behalf of a minor for any purpose.

(b) As used in this section:

(1) "Alcohol" means liquor, wine or other alcoholic beverages, as defined in §57-3-101(a)(1)(A), or beer, as defined in §57-6-102(1); and

(2) "Minor" means a person under twenty-one (21) years of age;

(c) It is an affirmative defense to prosecution under this section that the defendant acted upon a reasonably held belief that the minor was of legal age. Such belief may be acquired by virtue of the minor making a false statement or presenting false identification to the effect that the minor is twenty-one (21) years of age or older,

but such belief must be honestly believed by the defendant to be true and must be founded on reasonable grounds.

(d) A violation of subsection (a) or §57-4-203(b)(1)(A) or §57-5-301(d)(2) is a Class A misdemeanor and, in addition to the penalties authorized by §40-35-111, the offender shall be sentenced to one hundred (100) hours of community service work. In addition to the above penalties established in this section, a court in which a person is convicted under this section or §57-4-203(b)(1)(A) or §57-5-301(d)(2) shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender. Such offender may apply to the court for a restricted driver license. The judge may order the issuance of a restricted motor vehicle operator's license in accordance with the provisions of §55-50-502.

(e) If a person engages in conduct that violates this section as well as other sections, nothing in this section shall be construed to prohibit the prosecution and conviction of such person under any other applicable section or this section.

SECTION 2. Tennessee Code Annotated, Section 57-5-301(d), is amended by deleting subdivision (2) in its entirety and substituting instead the following:

(2) Any person who purchases any such beverage for or on behalf of a person under twenty-one (21) years of age commits a Class A misdemeanor and, in addition to the punishment authorized by §40-35-111, shall be sentenced to one hundred (100) hours of community service work. In addition to the above penalties established in this subdivision (d)(2), a court in which a person is convicted under this subdivision (d)(2) shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender. Such offender may apply to the court for a restricted driver license. The judge may order

the issuance of a restricted motor vehicle operator's license in accordance with the provisions of §55-50-502.

SECTION 3. Tennessee Code Annotated, Section 57-4-203(b)(1), is amended by deleting subdivision (A) and substituting instead the following:

(A) Any licensee or other person who sells, furnishes, disposes of, gives, or causes to be sold, furnished, disposed of, or given, any alcoholic beverage to any person under twenty-one (21) years of age commits a Class A misdemeanor and, in addition to the punishment authorized by §40-35-111, shall be sentenced to one hundred (100) hours of community service work. In addition to the above penalties established in this subdivision (b)(1)(A), a court in which a person is convicted under this subdivision (b)(1)(A) shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender. Such offender may apply to the court for a restricted driver license. The judge may order the issuance of a restricted motor vehicle operator's license in accordance with the provisions of §55-50-502.

SECTION 4. Tennessee Code Annotated, Section 57-3-412(a)(4), is amended by deleting the language “and by not more than thirty (30) days of community service work” wherever it appears and substituting instead the language “and by not more than one hundred (100) hours of community service work”.

SECTION 5. Tennessee Code Annotated, Section 57-3-412(a)(4), is further amended by adding the following language at the end of the subdivision:

In addition to the above penalties established in this subdivision (a)(4), a court in which a person is convicted under this subdivision (a)(4) shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender. Such offender may

apply to the court for a restricted driver license. The judge may order the issuance of a restricted motor vehicle operator's license in accordance with the provisions of §55-50-502.

SECTION 6. This act shall take effect July 1, 2006, the public welfare requiring it.